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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,213	03/10/2005	Peter Kopetzky	112740-1045	7323
29177	7590	01/26/2007	EXAMINER	
BELL, BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690			PORTIS, SHANTELL L	
			ART UNIT	PAPER NUMBER
			2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/519,213	KOPETZKY ET AL.
	Examiner	Art Unit
	Shantell Portis	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 October 2006.
- 2a) This action is **FINAL**.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 15-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 December 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments filed October 30, 2006 have been fully considered but they are not persuasive. The applicant argues that Kantola does not teach or suggest controlling at least one operating parameter of the radio module from a first distance ratio to a smaller distance ratio to influence transfer characteristics as recited in the amended claims. Kantola discloses according to the embodiments illustrated in Figure 2, it is desired to establish a connection between the first mobile station 8a and the service access point. The mobile station 8a is distinguished from the other mobile stations by being the closest to the service access point by adjusting the attenuator so as to transmit with a low level of power until a mobile station 8a is within the short range of the service access point. Once the connection has been established, the attenuator 13 is controlled to increase the power of the signal transmitted by the antenna to more usual levels. (See paragraphs [0021]-[0023]). Therefore, the examiner maintains the rejection as set forth below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application

filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kantola et al. (Kantola), U.S. Publication No. 2002/0003481.

Regarding Claim 15, Kantola discloses a method for effecting wireless communication between radio stations in which one of a purely bilateral communication connection and a purely bilateral communication relationship is to be established between a first radio station (service access point 10) and only one particular second radio station (mobile stations 8a-d) of a plurality of second radio stations, the method comprising: changing at least one operating parameter of the first radio station from a first distance ratio to a smaller distance ratio to influence transfer characteristics between the radio stations; and fulfilling a defined quality criterion, as a result of changing the at least one operating parameter to the smaller distance ratio, via the transfer characteristics of only one particular radio connection of the first radio station to the only one particular second radio station present within the smaller distance ratio [0021]-[0023].

Regarding Claim 16, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 15, wherein the at least one operating parameter to be changed is a transmission power of the first radio station [0022].

Regarding Claim 17, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 15, wherein the at least one

operating parameter to be changed is a reception sensitivity of the first radio station [0030] and [0031].

Regarding Claim 18, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 15, wherein the defined quality criterion consists of exceeding a minimum receive field strength at the first radio station [0025].

Regarding Claim 19, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 15, wherein the at least one operating parameter of the first radio station is initially chosen so that a plurality of the second radio stations fulfill the defined quality criterion, and wherein the at least one operating parameter is further changed in steps until ultimately the only one particular second radio station still fulfills the defined quality criterion [0022]; [0023] and [0025].

Regarding Claim 20, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 15, wherein the first radio station is a service terminal (service access point 10) having a radio module, the plurality of second radio stations (mobile stations 8a-d) are a plurality of customer devices having radio modules, and a communication connection of the service terminal is established with only one particular customer device of the plurality of customer devices which is closest to the service terminal [0021] and Figure 2.

Regarding Claim 21, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 20, wherein the service terminal initially knows nothing about an address or identifier of the particular customer

device, the particular customer device initially knows nothing about an address or identifier of the service terminal, and even in subsequent stages of communication between the service terminal and the particular customer device, no addresses or identifiers are input from outside [0035].

Regarding Claim 22, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 20, wherein the service terminal is a cash-desk system (point of sale device), and each of the plurality of customer devices is one of a mobile telephone and an information technology device [0018]; [0037] and Figures 1 & 2.

Regarding Claim 23, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 15, wherein the first radio station is a base station of a wireless communication system, the plurality of second radio stations are a plurality of subscriber stations of the wireless communication system, and a communication connection of the base station is established with only one particular subscriber station of the plurality of subscriber stations which is closest to the base station [0016] and Figure 1.

Regarding Claim 24, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 23, wherein the base station initially knows nothing about an address or identifier of the particular subscriber station (this is inherent when the subscriber moves into a new cell), the particular subscriber station initially knows nothing about the address or identifier of the base station, and even in subsequent stages of communication between the base station and the

particular subscriber station, no addresses or identifiers are input from outside [0016] and [0035].

Regarding Claim 25, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 23, wherein each of the plurality of subscriber stations (mobile stations 8) is one of a mobile telephone, a cordless telephone and an information technology device [0037] and Figure 1.

Regarding Claim 26, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 15, further comprising transmitting a signal, via at least one of the participating radio stations, containing information about one of the radio station concerned and a user of the radio station concerned [0035].

Regarding Claim 27, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 15, the method further comprising: transmitting, via the first radio station, a request to send a response; and reducing a range of the transmit signal until only a response of a single second radio station is still received, thus ensuring that only the single second radio station can be located in the transmission range of the first radio station [0022] and [0023].

Regarding Claim 28, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 27, wherein the range of the transmit signal is reduced by lowering a transmission power [0022].

Regarding Claim 29, Kantola discloses a method for effecting wireless communication between radio stations as claimed in claim 27, wherein the range of the

transmit signal is reduced via shielding with aid of a mechanical plug-in device (point of sale device/service access point 10-Figure 2).

Regarding Claim 30, Kantola discloses a device for effecting wireless communication between radio stations in which one of a purely bilateral communication connection and a purely bilateral communication relationship is to be established between the device and only one particular further device of a plurality of further devices, comprising: a radio module (mobile stations 8a-d) for sending and receiving electromagnetic signals; and a device (service access point 10) for controlling at least one operating parameter of the radio module from a first distance ratio to a smaller distance ratio to influence, transfer characteristics of a radio connection such that, as a result of changing the at least one operating parameter to the smaller distance ratio, the transfer characteristics of only one particular radio connection of the device to only one particular further device of a plurality of further devices are present within the smaller distance ratio and fulfill a defined quality criterion [0021]-[0023].

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Higashino et al., U.S. Patent No. 6,909,876 discloses a portable terminal.

Freenzy, Jr., U.S. Patent No. 6,490,443 discloses a communication and proximity authorization systems.

Karl, U.S. Patent No. 6,314,297 discloses a communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shantell Portis whose telephone number is 571-272-0886. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*SLP*  
SLP

*Lester G. Kincaid*  
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**SUPERVISORY PRIMARY EXAMINER**